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Washington State Department of Health

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Drinking Water Serving Temporary Farm Worker Camps:

Update and Action Plan

May 14, 1999

Executive Summary

The Department of Health made a commitment to report back to the Governor by May 15, 1999 progress in the following areas:

- Compliance status of water systems serving temporary farm worker facilities statewide;
- Evaluation of whether current testing requirements for drinking water serving temporary farm worker camps are adequate to protect the health of farm workers.

This report addresses these two areas. In addition, it provides the results of drinking water testing and follow-up actions addressing drinking water served at temporary farm worker camps in Whatcom County. The report demonstrates our commitment to protect the health of all state citizens by ensuring safe and reliable drinking water.

Temporary farm worker camps in Whatcom County

Recent tests showed no unsafe levels of pesticides in drinking water serving temporary farm workers. The tests did show high levels of nitrates, including some that exceeded drinking water standards. Steps were taken immediately to ensure safe water is provided to workers before the camps are allowed to open for the 1999 season.

Status of drinking water at farm worker camps statewide

Our licensing program requires that a water sample free of bacteria be submitted before a camp is licensed. Large numbers of

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systems serving temporary farm worker camps are not in full compliance with drinking water regulations. The department is acting immediately to address this issue and protect farm worker health, including testing and inspecting all water systems serving temporary farm worker camps, requiring bacteria and nitrate tests and making sure new water systems serving temporary farm worker camps meet all requirements.

Considering additional requirements for farm workers

The department is evaluating whether federal testing requirements for drinking water serving temporary farm worker camps are adequate to protect the health of farm workers. Our initial fact-finding supports the need for special efforts by the department to meet the unique needs of farm workers. The results of statewide testing and inspections will shape this decision, along with information we have gathered state- and nation-wide.

Complexity of temporary farm worker issues

The Department of Health is responsible for helping ensure a safe and healthy environment for farm workers. Drinking water is only one of many public health issues for the farm worker population. We take that responsibility very seriously. We must maximize our limited resources to ensure they are used as efficiently and effectively as possible to meet our public health mission.

Introduction

On March 26, 1999 Governor Locke requested from the departments of Health and Ecology a report on activities aimed at resolving drinking water contamination in the Bertrand Creek area of Whatcom County, as well as a summary of ground water contamination statewide. He also asked the Department of Health to assess whether the state should impose stronger testing requirements for drinking water that serves temporary farm worker camps.

On April 15, 1999, a joint report from the state departments of Health and Ecology provided initial information regarding these issues. Many of the issues raised in that report required on-going policy decisions and actions, particularly Department of Health efforts to ensure the safety of drinking water served to temporary farm workers.

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Background

The Department of Health follows federal standards in testing public water supplies serving transient populations, including temporary farm worker camps. Federal standards do not require that these water supplies be regularly tested for pesticides.

All temporary farm worker camps in Whatcom County were tested for pesticides when pesticide contamination was discovered in the area in the late 1980s. **Those water systems found to be contaminated with pesticides above the drinking water standards were taken out of use at that time.** Our data indicated that no water being served by existing camps exceeded standards for pesticides, though some of our data was up to ten years old.

The Department of Health currently licenses six temporary farm worker camps that operate their own water systems in the Bertrand Creek area of Whatcom County. Most are expected to open in early June this year, and are currently under review as part of the department's annual licensing process. The department already requires one of the camps to provide bottled water as the result of earlier tests showing nitrate violations.

Because of concerns raised recently, five of the six camps were re-tested for a full range of chemicals on April 1, 1999.

Current status

No violations of drinking water standards for pesticides were

found at any of the five camps tested in April. As anticipated, samples from water supplies serving three of the camps showed high nitrate levels.

Immediate steps were taken to ensure safe water is provided to workers before the camps are allowed to open for the 1999 season. This included requiring growers to provide information to workers about the risks of nitrates in drinking water and provide bottled water for pregnant women and young infants, who are susceptible to illness from nitrates in drinking water.

Next steps

Department follow-up work on nitrate issues with these particular camps will be on-going. Our focus will continue to be preventing pregnant women and babies from drinking water with high nitrate levels.

The department has also developed an outreach strategy to communicate with key temporary farm worker service providers in Whatcom County (such as community health clinics, WIC clinics and farm worker education programs) to help inform farm workers of nitrate risks and ways to prevent pregnant women and babies from drinking water with high nitrates.

The well serving the sixth camp in Whatcom County remains out of operation. The department expects to test it and take action to address any violations before the camp is licensed for the 1999 season. We anticipate results of this camp's tests will be similar to those of the other five.

Status of drinking water at farm worker camps statewide

Our licensing program requires that a water sample free of bacteria be submitted before a camp is licensed. Large numbers of systems serving temporary farm worker camps are not in full compliance with drinking water regulations. The department is acting immediately to address this issue and protect farm worker health, including testing and inspecting all water systems serving temporary farm worker camps.

Background

The department must consider a variety of factors, such as water supply, sewage disposal and the location and maintenance of the camp, when issuing a license for temporary worker housing.

The focus of the water supply element of our licensing division during the past several years has been to require that the

temporary farm worker facilities licensed by the department provide water that is free from bacteriological contamination. This has been the focus because bacteriological contamination of drinking water poses the greatest and most immediate risks and is the cause of most waterborne illnesses in the state and throughout the country.

Meanwhile, the department and key stakeholders have for several years recognized that many systems supplying drinking water "away from home" -- such as campgrounds and temporary farm worker camps -- have an incomplete record of complying with drinking water regulations.

During the past year "safe drinking water away from home" has been an agency priority, one of six department "Strategic Initiatives" to protect public health. This effort has involved various state and local agencies. A report completed in April, 1999 makes recommendations for strengthening various licensing processes to provide better safe drinking water oversight. (Executive summary of Non-Community Water System Project attached)

Just prior to completion of the report referenced above, concerns were raised about drinking water served to temporary farm workers in Whatcom County and statewide. Governor Locke asked the department to review the status of those systems statewide and act on any problems found. The department committed to report on our progress by May 15, 1999. These efforts have served to highlight again the importance of our efforts to address safe drinking water away from home.

Current status

Our recent review of this situation has revealed significant needs for improvement. Our licensing program requires that a water sample free of bacteria be submitted before a camp is licensed. However, large numbers of systems serving temporary farm worker camps are not in full compliance with drinking water regulations. Those requirements include determining if drinking water comes from safe sources and whether the design, construction and maintenance of the water system is adequate to deliver safe water.

The attached lists the 204 temporary farm worker facilities licensed by the department. Of those facilities:

- 41 are served by community water systems that also serve other municipal or community developments and are overseen by the department's division of drinking water. Compliance with the full range of requirements for public

water systems varies.

- 56 are served by their own water systems, which are on record and tracked by our division of drinking water. Compliance with the full range of requirements for public water systems varies.
- 107 are served by water systems that are not on record with the department as public water systems. Compliance with the full range of requirements for public water systems is unknown.

This highlights the need for much better oversight of all aspects of our responsibilities to promote a safe and healthy environment for temporary farm workers. The department will act immediately to address this problem and protect farm worker health.

Immediate actions

We have taken a number of immediate actions:

Requiring bacteria and nitrate tests

Beginning May 1, 1999, all camps are now required to test for bacteria **and** nitrates prior to being licensed. These are the two basic "acute" drinking water contaminants of greatest public health concern. No camp will be licensed that has not submitted a satisfactory bacteria sample. If nitrate standards are exceeded, the facility will be required to inform workers and provide safe drinking water to at-risk populations, just as the department has required of Whatcom County camps with nitrate violations.

Inspecting all water systems and testing the water

Water systems serving all 204 existing licensed temporary farm worker facilities in the state will be inspected and tested by drinking water experts. The department will pay for this work. Inspections have begun and we expect to complete them by fall.

These inspections will serve several purposes:

- Physically inspecting the system to determine whether water sources are safe and systems are constructed properly to deliver safe water. Any camps with conditions representing imminent risks to health will be required to fix problems immediately.
- Ensuring bacteria and nitrate samples have been taken and any violations acted on appropriately.

- Testing the water for pesticides and other chemicals, and taking appropriate action on violations.
- Collecting information on the water systems for on-going oversight.

By taking these actions, we are dealing with these systems as we would other systems serving communities statewide.

New water systems will meet ALL requirements

Any new temporary farm worker facilities will have a fully approved and operating public water system serving it prior to receiving a license by the department. The department will assist camp operators in the review and approval process.

Considering additional requirements for farm workers

The department is evaluating whether federal testing requirements for drinking water serving temporary farm worker camps are adequate to protect the health of farm workers. Our initial fact-finding supports the need for special efforts by the department to meet the unique needs of farm workers. The results of statewide testing and inspections will shape this decision, along with information we have gathered state- and nation-wide.

Background

Concerns have been raised that temporary farm workers may be exposed to unsafe levels of pesticides in their drinking water. This concern is based on that fact the systems serving water to these types of facilities are not required to routinely test for pesticides.

These provisions are established in the federal Safe Drinking Water Act, which serves as the basis for the drinking water program in Washington State. The Safe Drinking Water Act classifies water systems serving temporary farm worker camps as "transient non-community water systems". Under this classification, routine monitoring for pesticides is not required.

The results of our recent tests in Whatcom County confirmed that drinking water contamination issues affecting temporary farm worker camps had been adequately addressed when the contamination was first discovered in the 1980's. However, concerns about the adequacy of federal testing requirements for water systems serving temporary farm worker facilities remain.

The Governor asked the department to evaluate whether federal testing requirements for drinking water serving temporary farm

worker camps are adequate to protect the health of farm workers. The department committed to report progress on a number of steps in this evaluation by May 15, 1999.

Current status

Preliminary department directions

We have concluded that temporary farm worker facilities are different from other facilities commonly served by "transient non-community water systems." This is based on a recognition that water used at these facilities is for the full range of domestic uses, not just for occasionally drinking.

In addition, these facilities are located exclusively in agricultural areas of the state where pesticide use is common, which potentially increases the risk of pesticide contamination of drinking water sources.

Finally, farm workers may move from one temporary facility to another. If an assumption is made that many of these water supplies are contaminated by pesticides (an assumption that is not likely but one that is unknown today), then on-going exposure to unsafe levels of pesticides in drinking water may be of concern.

For all of these reasons, we believe further consideration of the drinking water testing requirements is needed. Based on that, here is what we are doing:

Inspecting systems and testing for chemical contamination

The department has very little factual information to support sound policy decisions, because systems serving water to temporary farm worker camps are not required to routinely test for pesticides. The department does not want to impose new and costly requirements on anyone without sound justification.

We believe the first step in this evaluation should be information gathering. In addition to bringing all water systems serving camps into compliance with drinking water regulations, the inspection and testing effort described earlier will provide key information for policy decisions about the adequacy of federal requirements in protecting farm worker health.

Application of existing rules

We have determined that the department has the legal authorities necessary to modify the water system monitoring requirements if such modification is necessary in order to protect public health. Having factual data on hand will assist us in making this type of

decision.

Assistance from EPA

The department has not yet received a written response from the federal Environmental Protection Agency regarding our request for federal assistance in these efforts. In discussions with EPA officials, they have agreed temporary farm worker camps present a unique situation worthy of further attention, support the department's plans for future actions and want to work together on these issues.

Region-wide discussions

Department of Health Secretary Mary Selecky will discuss temporary farm worker issues with her counterparts at health agencies in Oregon and California. This will be an excellent opportunity to share information about ensuring the health and safety of temporary farm workers region-wide.

Nation-wide survey

The department surveyed the drinking water programs in all other 49 states to determine whether or not any state had established testing requirements for temporary farm worker facilities differing from the requirements of the federal Safe Drinking Water Act. We received responses from 19; one of those states requires water systems serving temporary farm worker camps to routinely monitor for pesticides and other chemicals. The other 18 follow the federal Safe Drinking Water Act (as does Washington State) for these types of facilities. ([see attached chart](#))

The results of these efforts, particularly testing water serving all temporary farm worker camps statewide, will frame our final decisions on whether federal testing requirements for drinking water serving temporary farm worker camps are adequate to protect the health of farm workers. We expect to make recommendations in the fall.

Complexity of temporary farm worker issues

The Department of Health is responsible for helping ensure a safe and healthy environment for farm workers. Drinking water is only one of many public health issues for the farm worker population. We take that responsibility very seriously. We must maximize our limited resources to ensure they are used as efficiently and effectively as possible to meet our public health mission.

Providing housing for farm workers has proven to be a complex task that requires balancing many factors. Public health and the

health of the workers requires adequate standards for housing, including water supplies, are enforced. However, providing such housing is largely a voluntary act by growers. It appears that if the cost of compliance is too high, the amount of grower-supplied housing will decrease, leaving workers with less healthful alternatives for shelter and water. Workers' wages are low, and in the past public resources to address the problem have been scarce, although under the current administration that has trend has been reversed. With regard to water supplies, the department must ensure compliance with state and federal occupational safety standards as well as state laws implementing the federal Safe Drinking Water Act. Regulation in such an area presents many challenges.

We have made progress, but need to do more. Our efforts to inspect and evaluate water supplies in all temporary farm worker camps in the state this year will serve to set a benchmark by which we can move toward further improvement.

The Department of Health is fully committed to public health protection for all our state's residents. It is our intention that the information gathered and the direction set through the above efforts will help determine the extent of any problems and whether existing statutes, policies, funding levels and agency priorities ensure that the health of temporary farm workers in our state are being protected.

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